

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

DARRIN CALDWELL,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-00340-GCM
)	
MARTIN O'MALLEY,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

ORDER

THIS MATTER is before the Court by motion of the Plaintiff, Darrin Caldwell, for an award of attorney's fees, expenses, and costs to Plaintiff, pursuant to the Equal Access to Justice Act (EAJA). Defendant has consented to the motion for the stipulated amount.

IT IS THEREFORE ORDERED that Plaintiff, Darrin Caldwell, is awarded attorney's fees in the amount of Four Thousand Eight Hundred Dollars and Zero Cents (\$4,800.00), and Four Hundred Two Dollars and Zero Cents (\$402.00) in costs.¹ Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's counsel.

¹ Costs are paid from the Judgment Fund by the Department of the Treasury, if so ordered by the Court under 31 U.S.C. § 1304. *See* 28 U.S.C. § 2412(c)(1).

The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Darrin Caldwell, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

Signed: April 22, 2024



Graham C. Mullen
United States District Judge

